

REMARKS

Claims 1 through 32, 35 and 36 are pending in this Application. Claims 33 and 34 have been canceled without prejudice or disclaimer, claims 1, 3, 5, 9 through 17, 21 through 23, and 27 through 30 have been amended, and claims 35 and 36 are newly presented. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed. Applicants submit that the present Amendment does not generate any new matter issue.

Applicants acknowledge, with appreciation, the Examiner's allowance of claims 1 through 26. Applicants also acknowledge, with appreciation, the Examiner's indication that claims 29 and 30 would be allowed if presented in independent form. Accordingly, the only remaining issue pivots about the patentability of claims 27, 28, 31, 32, 35 and 36.

Claims 27, 28, 33, and 34 stand rejected as obvious under 35 U.S.C. §103(a) based on *Linden et al.* (US 6,549,773) in view of *Dent et al.* (US 5,812,955).

This rejection is respectfully traversed.

Initially, Applicants note that claims 33 and 34 have been cancelled. In stating the rejection the Examiner asserted that *Linden et al.* teach exchanging “information about a security association with a network element connected to a cellular network, the security association pointing to the network element from the sender of the location information request” (see page 3 of the Office Action). *Linden et al.* are directed to a method of data transmission between mobile stations and a server, and disclose means for exchanging information content between the applications of the client and the server (see col. 10, lines 6 through 8). *Linden et al.* also disclose that a mobile phone can have a smart card that may store subscriber data and

identifications (see col. 6, lines 57 through 66). It appears that the Examiner equated the subscriber data and identification in *Linden et al.* to the security association of the claimed invention. However, *Linden et al.* do not disclose that the information about security association points to the network element from the sender of the location information request. Rather, *Linden et al.* are silent as to which element the security association points to. Silence in a reference is no substitute for the requisite facts. *In re Burt*, 356 F.2d 115 (C.C.P.A. 1966). Further, the Examiner did not specifically address the claim feature: “the security association pointing to the network element from the sender of the location information request.”

The Examiner cited *Dent et al.* for the feature of exchanging information that associates with security association. However, *Dent et al.* fail to overcome the above-argued deficiencies of *Linden et al.* It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicants do not agree that the requisite basis for the asserted motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicants, therefore, submit that the imposed rejection of claims 27, 28, 33, and 34 under 35 U.S.C. §103(a) based on *Linden et al.* (US 6,549,773) in view of *Dent et al.* (US 5,812,955) is not factually or legally viable and, hence, solicit withdrawal thereof.

Claims 31 and 32 stand rejected as obvious under 35 U.S.C. §103(a) based on *Linden et al.* (US 6,549,773) in view of *Dent et al.* (US 5,812,955), and further in view of *Wang et al.* (US 6,415,154).

This rejection is respectfully traversed.

Specifically, claims 31 and 32 depend from independent claim 27. Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of independent claim 27 under 35 U.S.C. §103(a) for obviousness as evidenced by *Linden et al.* in view of *Dent et al.* The additional reference to *Wang et al.* does not cure the previously argued deficiencies in the attempted combination of *Linden et al.* and *Dent et al.* Accordingly, even if the applied references are combined as proposed by the Examiner, and again Applicants certainly do not agree that the requisite basis to support the asserted motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*.

Applicants, therefore, submit that the imposed rejection of claims 31 and 32 under 35 U.S.C. §103(a) for obviousness predicated upon *Linden et al.* in view of *Dent et al.* and *Wang et al.* is not factually or legally viable and, hence, solicit withdrawal thereof.

New Claims 35 and 36.

Claims 35 recites features similar to those of claim 1 and, hence, is free of the applied prior art for reasons similar to those advocated *supra* with respect to the patentability of claim 1. Claim 36 depends from independent claim 35, and is also free of the applied prior art for reasons similar to those advocated *supra* with respect to the patentability of claim 1. Moreover, Applicants separately argue the patentability of claim 36 based on the limitations expressed therein which are not disclosed or made obvious by the applied prior art references. Accordingly, claims 35 and 36 are free of the applied prior art.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any

unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 350-4665 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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Date

/Jun S. Ha/
Jun S. Ha
Attorney/Agent for Applicant(s)
Reg. No. 58508

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9951
Fax (703) 519-9958